

3. Counsel for Southwest conferred with Matthew Gilliam, counsel for Carter, by phone on September 28, 2021 regarding Southwest's deadline to oppose Carter's motion to compel. Carter's counsel stated that he does not oppose the extension requested herein.

4. Granting this motion will not create undue delay or otherwise interfere with other Court deadlines.

5. On September 2, 2021, Southwest moved for summary judgment and/or partial summary judgment. Dkt. No. 166. In its supporting brief, Southwest stated the grounds for its motion for summary judgment and/or partial summary judgment and the legal standards applicable thereto as required by Local Rule 56.3(a).

6. To avoid ambiguity and ensure compliance with Local Rule 56.3(a)(1)-(2), Southwest submitted a supplement to its motion setting forth the elements of the relevant claims and defenses. Dkt. No. 180. However, Southwest did not change the substantive grounds for its motion for summary judgment and/or partial summary judgment.

7. On September 15, 2021, the Court issued an order stating that if Southwest "wishes to add" to its motion, it should seek leave to amend. Dkt. No. 184.

8. As set forth above, by submitting the supplemental motion, Southwest did not intend to change the substantive grounds for its motion for summary judgment and/or summary adjudication.

9. On September 17, 2021, counsel for Southwest conferred with Matthew Gilliam regarding leave to file a supplemental motion consistent with its prior submission (*see* dkt. no. 180). On September 19, 2021, counsel for Southwest conferred with Adam Greenfield, counsel for Local 556, regarding leave to file the supplemental motion. Counsel for Carter and Local 556 indicated that they do not oppose Southwest's request for leave to file the supplemental motion.

Therefore, based on the above, Southwest requests that:

- (a) the deadline for Southwest to respond to Carter's pending motion to compel (dkt. 173) shall be **October 11, 2021**; and
- (b) Southwest be granted leave to file the supplemental motion.

Dated: September 28, 2021

Respectfully submitted,

/s/ Brian K. Morris

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF CONFERENCE

Southwest's counsel, Brian K. Morris, conferred with Carter's counsel, Matthew Gilliam, on September 17 and September 28; and with Local 556's counsel, Adam Greenfield, on September 19 regarding the requested relief. Counsel indicated that they do not oppose Southwest's request.

/s/ Brian K. Morris
Brian K. Morris

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served by electronic mail on all parties on this 28th day of September, 2021.

/s/ *Brian K. Morris*

Brian K. Morris